

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK**

DONALD ROETTENBACHER	)	Civil Action No. 3:22-cv-00161-DEP
<i>Plaintiff,</i>	)	
	)	Hon. David E. Peebles
v.	)	United States Magistrate Judge
	)	
KILOLO KIJAKAZI,	)	
Acting Commissioner of	)	
Social Security,	)	
<i>Defendant.</i>	)	Stipulation – Document Filed Electronically

**Consent Order for Payment of Fees under the Equal Access to Justice Act**

IT IS HEREBY STIPULATED AND AGREED by the undersigned attorneys for the parties in the above-titled action that Plaintiff be awarded attorney fees and expenses under the Equal Access to Justice Act (EAJA) (28 U.S.C. § 2412) in the amount of six thousand and eight hundred and six dollars and ninety-five cents (\$6,806.95).

The award of attorney fees will satisfy all of Plaintiff's claims for fees, costs, and expenses under 28 U.S.C. § 2412 in this case. Any fees paid belong to Plaintiff and not to his attorney and can be offset to satisfy pre-existing debt that Plaintiff owes the United States. *Astrue v. Ratliff*, 560 U.S. 586 (2010). After the Court enters this award, if Defendant can verify that Plaintiff owes no preexisting debt subject to offset, Defendant agrees to make the award payable to Plaintiff's attorney pursuant to the EAJA assignment signed by Plaintiff and counsel.

AND, the Court having reviewed the record in this matter;

IT IS on this 12th day of September, 2023;

ORDERED that Plaintiff be awarded fees under EAJA in the amount of \$6,806.95, and that the fees are payable to the Plaintiff, but if Plaintiff does not owe a debt subject to offset, payable to Plaintiff's attorney.

ORDERED that the within matter is dismissed with prejudice.



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HON. DAVID E. PEEBLES  
UNITED STATES DISTRICT COURT

The undersigned hereby consent to the form and entry of the within order.

Dated: September 11, 2023

Kilolo Kijakazi,

By Her Attorneys,

Carla B. Freedman,  
United States Attorney

/s/ Geoffrey M. Peters

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Donald Roettenbacher,

By His Attorney,

/s/ Peter A. Gorton<sup>1</sup>

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<sup>1</sup> Signed with Peter Gorton's consent obtained via email.